

II. REMARKS

Claims 30-33, 35-38 and 40 Stand Rejected Under 35 U.S.C. §102(b)

In the Office Action, Claims 30-33, 35-38 and 40 were rejected under 35 U.S.C. §102(b) as being anticipated by the Bishop et al U.S. Patent 5,970,661 (hereinafter Bishop et al.) reference. It is respectfully submitted that Bishop et al. does not describe or suggest the present invention as claimed in these claims. Reconsideration of this rejection is respectfully requested for the following reasons.

Claim 30 of the present application is an independent claim drawn to a tent adapter and Claim 35 is an independent claim drawn to a kit. Each claim, as amended, provide for an adapter and a climate portable dwelling, respectively, formed from a material selected from the group consisting of polymer, vinyl, nylon, cotton, leather, or combinations thereof. Conversely, Bishop et al. emphatically states at column 4, lines 2-15, that "the weave of the fabric used must allow free passage of air so that a child can breath without difficulty through the fabric...[t]hat requirement totally precludes the use of plastic films and other impermeable sheets" (emphasis added). Moreover, the Bishop et al. reference teaches, "it is generally desirable to select a fabric that is at least semi-translucent to light so as to minimize any claustrophobic feelings of those playing in the structure." Therefore, by its own admission, the Bishop et al. reference is incompatible with the use of the materials outlined in the instant claims. Moreover, the Bishop et al. structure clearly cannot maintain its shape without the airflow from the fan. It is for these reasons, the Bishop et al. reference does not anticipate the present invention and is not combinable with the Laiii U.S. Patent 6,796,896 (hereinafter Laiii) reference and the Heisler U.S. Patent 5,765,584 (hereinafter Heisler et al.) reference, which each require impermeable materials. It should be kept in mind that material should not be considered a matter of design choice when the primary reference specifically teaches away from certain materials. This precludes the use of the materials in conjunction with Bishop et al. reference and would render any reference that suggests such materials uncombinable.

Thus it is respectfully submitted that independent claims 30 and 35 are not anticipated by, or unpatentably obvious in view of, Bishop et al., and are, therefore, in condition for allowance. Claims 31-34, 36-38 and 40, depend, either directly or indirectly, from Claims 30 and 35, and thus incorporate all of the features thereof. Thus, it is respectfully submitted that dependent Claims 31-34, 36-38 and 40 are also not anticipated by Bishop et al., and are also, therefore, in condition for allowance.

Claims 34 and 39 Stands Rejected Under 35 U.S.C. §103(a)

In the Office Action, Claims 34 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bishop et al. in view of Laiti. It is respectfully submitted that Bishop et al. and Laiti are not combinable without departing from the teachings of each of the references. Moreover, Applicant submits that even if combinable, Bishop et al. and Laiti combined do not teach the presently claimed invention. By requiring a permeable fabric, the Bishop et al. system could not adequately serve as a climate controlled dwelling, as the airflow generated by the fan would not necessarily overcome the ambient temperature of the air passing from the exterior of the apparatus. Moreover, even if combinable, the above discussion details why the Bishop et al. reference cannot serve as a primary 103(a) reference against the presently claimed invention.

Thus it is respectfully submitted that, claims 34 and 39, which depend from Claim 30, are not unpatentably obvious over Bishop et al. in view of Laiti, and are, therefore, in condition for allowance.

Claims 21-22, 24-25 and 28 Stands Rejected Under 35 U.S.C. §103(a)

In the Office Action, Independent Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bishop et al. in view of Heisler et al. It is respectfully submitted that Bishop et al. and Heisler et al. are not combinable without departing from the teachings of each of the references. Moreover, Applicant submits that even if combinable, Bishop et al. and Heisler et al. combined do not teach the presently claimed invention. Heisler et al. require a waterproof outer material and mesh inner door material. If the door were zipped shut, there would be no ventilation into the tent. Additionally, even if the tent door was open, the tent material does not meet the necessary requirement of Bishop et al., that "a child can breathe without difficulty through the fabric in the event that air flow...fails...." (Column 4, lines 3-5) Moreover, even if combinable, the above discussion details why the Bishop et al. reference cannot serve as a primary 103(a) reference against the presently claimed invention.

Thus it is respectfully submitted that, Claims 22, 24-25 and 28, which depend from Claim 21, are not unpatentably obvious over Bishop et al. in view of Heisler et al., and are, therefore, in condition for allowance.

Claims 22, 26 and 29 Stands Rejected Under 35 U.S.C. §103(a)

In the Office Action, Claims 22, 26 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bishop et al. in view of Heisler et al., further in view of Laiti. It is respectfully submitted that Bishop et al., Heisler et al. and Laiti are not combinable without departing from the teachings of each of the references and the above discussion details why the Bishop et al. reference cannot serve as a primary 103(a) reference against the presently claimed invention.

Thus it is respectfully submitted that, Claims 22, 26 and 29 are not unpatentably obvious over Bishop et al. in view of Heisler et al., further in view of Laiti and are, therefore, in condition for allowance.

Claims 27 Stands Rejected Under 35 U.S.C. §103(a)

In the Office Action, Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bishop et al. It is respectfully submitted that Bishop et al. does not disclose a carrier. The boot and the unit carrier are not the same. There is no element presented in the Bishop et al. reference that corresponds to a carrier for the fan unit.

Thus it is respectfully submitted that, claim 27 is not unpatentably obvious over Bishop et al. and is, therefore, in condition for allowance.

IV CONCLUSION

In view of the above, Claims 21-24, 26-27, 29-32 and 34-40 are pending and it is respectfully submitted that all of the pending claims in this application, as amended, are in condition for allowance. Favorable action on this application is, therefore, solicited.

Respectfully submitted,

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